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April 13, 2020

Via ECF

Judge Sanket J. Bulsara
United States District Court - EDNY
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Assets Recovery 23, LLC v. Gasper, et al., 19-cv-02628-ENV-SJB

Dear Judge Bulsara:

We are the attorneys for Assets Recovery 23, LLC, the Plaintiff in the above-referenced foreclosure action. Let this letter serve as Plaintiff's humble request for the determination of Plaintiff's outstanding Motion for service by publication [ECF Doc. # 20]. Said Motion was filed and served more than five months ago on October 11, 2019. *Id.*

As reflected on the case docket, Plaintiff commenced this action by filing a Complaint on May 3, 2019. The Clerk then issued Summons documents on May 8, 2019. However, after several months of multiple in-state and out-of-state service attempts, Plaintiff was unable to, with due diligence, serve the Summons and Complaint by personal service or another prescribed method on Defendant Marlana Gasper.

Notably, Marlana Gasper is an indispensable and necessary party defendant to this foreclosure action as she is a borrower under the relevant note and mortgagor. Accordingly, on October 11, 2019 Plaintiff filed an application for an order pursuant to FRCP Rule 4(e)(1) and CPLR §308(5), 314, 315 and 316, ordering service of the Summons on Defendant by publication or in such other manner as the Court directs [ECF Doc. # 20].

Since the Motion had not been decided, and service upon Marlana Gasper has not yet been achieved, Plaintiff is unable to move forward and is precluded from filing any dispositive motion herein.

Accordingly, we respectfully ask the Court to review the pending Motion and render a decision on same as soon as practicable. Thank you for your review of our submission.

Respectfully submitted,

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Attorneys for Plaintiff

/s/ Alan H. Weinreb
Alan H. Weinreb, Esq.

Via ECF
Kahlil Gasper
Defendant